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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known						
Application Number	10/773,618					
Filing Date	February 6, 2004					
First Named Inventor	Thomas W. DUBENSKY, Jr.					
Art Unit	1645 -					
Examiner Name	J. Graser					
Attorney Docket Number	282172002800					

C	U.S. PATENT DOCUMENTS												
Examiner Initials*		Cite No.1	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear							
Z	M		1.	US-2002/0136738-A1	09-26-2002	Agrewala et al.							
С			2.	US-2003/0077263-A1	04-24-2003	Maraskovsky et al.							
17			3.	US-2004/0009194-A1	01-15-2004	Andrieu et al.							
		~	4.	US-6,150,424-A	11-21-2000	Breitenbach et al.							

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Examine	r Cit	Foreign Patent Document	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages	
initials*	No.		MM-DD-YYYY	Applicant of Cited Document	or Relevant Figures Appear	T⁰
	5.	WÖ-97/22349-A1	06-26-1997	The Board of Trustees of The Leland Stanford Junior University		
	6.	WO-98/09616 AUSNACT	03-12-1998	BASF AG	Translation of Abstract Only	
	7.	WO-01/77358-A2, A3	10-18-2001	Biovex Limited		
$I_{!}$	8.	WO-02/40046	05-23-2002	AKZO N.V.		
	9.	WO-02/083879-A2, A3	10-24-2002	Alimentary Health Limited		

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			NON PATENT LITERATURE DOCUMENTS	
	Examiner Initials	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, senal, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	X	10.	Anonymous (February 4, 2003). "Cerus Corporation Starts Vaccine Trial for Epstein-Barr Virus," Press Release, Cerus Corporation, located at http://www.cerus.com/pages/PR/2003/PRO20403.html last visited on November 8, 2004, two pages.	
4		11.	Henderson, R.A. et al. (July 15, 1997). "Activation of Human Dendritic Cells Following Infection with Mycobacterium tuberculosis," The Journal of Immunology 159(2):635-643.	
		12.	Invitation To Pay Additional Fees mailed January 5, 2005, for PCT Application Number PCT/US2004/023881 filed July 23, 2004, seven pages.	
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		14.	Maru, G. B. et al. (1987). "Formation and Persistence of Isoniazid-DNA Adducts in Mouse Tissues," BIOSIS Database, Biosciences Information Service, Database Accession No. PREV198783117667, Abstract, one page.	
		15.	Maru, G. B. et al. (1987). "Formation and Persistence of Isoniazid-DNA Adducts in Mouse Tissues," <i>Human Toxicology</i> 6(2):153-158.	
	J	16.	Rescigno, M. et al. (March 2001). "Dendritic Cells, Loaded with Recombinant Bacteria Expressing Turnor Antigens, Induce a Protective Turnor-Specific Response," Clinical Cancer Research 7(Suppl.):865s-870s.	

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				Application Number	10/773,618		
II.	NFORMATIO	ON DISC	LOSURE	Filing Date	February 6, 2004		
S	TATEMENT	ГВҮ АР	PLICANT	First Named Inventor	Thomas W. DUBENSKY, Jr.		
				Art Unit	1645		
	(Use as many	sheets as nec	essary)	Examiner Name	J. Graser		
Sheet	2	of	2	Attorney Docket Number	282172002800		

	X)	17.	Rescigno, M. et al. (March 2001). "Dendritic Cells, Loaded with Recombinant Bacteria Expressing Tumor Antigens, Induce a Protective Tumor-Specific Response," Medline Database, U.S. National Library of Medicine (NLM), Database Accession No. NLM11300484. Abstract, one page.	
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Examiner Signature pa-950703

^{&#}x27;Applicant's unique citation designation number (optional). 'Applicant is to place a check mark here if English language Translation is attached.

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Sheet of 1

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177		1.	US-4,545,987	10-08-1985	Giles et al.						
		2.	US-4,556,556	12-03-1985	Wiesehahn et al.						
\Box		3.	US-4,791,062	12-13-1988	Wiesehahn et al.						
		4.	US-5,106,619-A	04-21-1992	Wiesehahn et al.						

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Examiner Initiats*	Cite No.1	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁶ (# known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear						
$(\sum_{}$	5.	WO-2005/067460-A2, A3	07-28-2005	Medimmune, Inc.							

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	6.	Brockstedt, D. et al. (March 2004). "The Living Dead: Psoralen-killed Metabolically Active Listeria DNA Repair Mutant-based Vaccines Induce Therapeutic Anti-tumor Efficacy Targeted Against an Endogenous Antigen," abstract presented at the American Association for Cancer Research (AACR), March 27-31, 2004, as posted on http://www.cerus.com/pages/solution/abs156.html , last visited on August 26, 2004, two pages.				
	7.	Brockstedt, D. et al. (July 2004). "The Living Dead: Psoralen-killed Metabolically Active Listeria DNA Repair Mutant-based Vaccines Induce Therapeutic Anti-tumor Efficacy Targeted Against an Endogenous Antigen," abstract presented at the Gordon Research Conference on Microbial Toxins and Pathogenicity, July 18 - 23, 2004, Andover, NH, as posted on http://www.cerus.com/pages/solution/04_GordonResearchConf_Brockstedt.html , last visited on August 26, 2004, two pages.				
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V	10.	Office Action mailed August 29, 2006, for U.S. Application No. 10/883,559, filed June 30, 2004, 7 pages.				

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 596703497 US, on the date shown below in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patent Docket No. 282172002800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re Patent Application of:

Thomas W. DUBENSKY, Jr. et al.

Serial No.:

10/773,618

Filing Date:

February 6, 2004

NOV 0 3 2006

For: MODIFIED FREE-LIVING MICROBES, **VACCINE COMPOSITIONS AND**

METHODS OF USE THEREOF

Examiner:

J. Graser

Group Art Unit:

1645

SUPPLEMENTAL INFORMATION DISCLOSURE **STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the foreign document and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Supplemental Information Disclosure Statement is submitted:

With the application; accordingly, no fee or separate requirements are required.
Before the mailing of a first Office Action after the filing of a Request for Continued
Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97
(e)(1) has been provided.

\boxtimes	Withi	in three months of the application filing date or before mailing of a first Office Action
	on the	e merits; accordingly, no fee or separate requirements are required. However, if
	applic	cable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
	After	receipt of a first Office Action on the merits but before mailing of a final Office Action
	or No	stice of Allowance.
•		A fee is required. A check in the amount of is enclosed.
		A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to
		this submission in duplicate.
		A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is
	•	believed to be due.
	After	mailing of a final Office Action or Notice of Allowance, but before payment of the
	issue	fee.
		A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the
		amount of is enclosed.
		A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal
		form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other

fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 282172002800.

Dated: November 3, 2006

Respectfully submitted,

Alicia J. Hager

Registration No.: 44,140

MORRISON & FOERSTER LLP 755 Page Mill Road Palo Alto, California 94304-1018 (650) 813-4296

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	10/773,618			
Filing Date	February 6, 2004			
First Named Inventor	Thomas W. DUBENSKY, Jr.			
Art Unit	1645			
Examiner Name	J. Graser			
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\		1.	US-2005/0249748-A1	11-10-2005	Dubensky Jr. et al.				
	Fb -	2.	US-2005/0281783-A1	12-22-2005	Kinch et al.				

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Examiner	Cite	Foreign Patent Document	Publication Date	Name of Patentee or	Pages, Columns, Lines,	
Initials*	No.1	Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	
2/2	3.	FR-2 686 896-A1	08-06-1993	Pasteur Institute		ヤ
09	4.	WO-99/29884-A2	06-17-1999	Von Eichel-Streiber et al.	ſ.	1
	5.	WO-01/27295-A1	04-19-2001	Deutsches Krebsforschungszentrum Stiftung Des Offentlichen Rechts		7
	6.	WO-02/33109-A2, A3	04-25-2002	Bioteknologisk Institut		\top
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	8.	WO-2004/011492-A1	02-05-2004	Commonwealth Scientific and Industrial Research Organisation		
	9.	WO-2005/009463-A2, A3	02-03-2005	Cerus Corporation	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	T
	10.	WO-2005/037233-A2, A3	04-28-2005	Medimmune, Inc.	1	1
	11.	WO-2005/071088-A2, A3	08-04-2005	Cerus Corporation	\	Т
$\perp \perp \perp \perp$	12.	WO-2005/092372-A2	10-06-2005	Cerus Corporation et al.	\ \ \	Т

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1)0	13.	Barnard, J.P. et al. (February 1999). "Vaccination Against Anthrax with Attenuated Recombinant Strains of Bacillus anthracis That Produce Protective Antigen," Infection and Immunity 67(2):562-567.	
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	17.	Brockstedt, D.G. et al. (August 2005) "Killed but Metabolically Active Microbes: A New Vaccine Paradigm For Eliciting Effector T-Cell Responses and Protective Immunity," <i>Nature Medicine</i> 11(8):853-860.	
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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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INFORMATION DISCLOSURE CITATION IN AN APPLICATION

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Thomas W.	DUBENSKY, Jr. et al.
Filing Date February 6, 2004	Group Art Unit 1645
Mailing Date July 21, 2004	

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Application Number	10/773,618				
Filing Date	February 6, 2004				
First Named Inventor	Thomas W. DUBENSKY, Jr.				
Art Unit	1645				
Examiner Name	J. Graser				
Attorney Docket Number	282172002800				

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Complete if Known Substitute for form 1449/PTO 10/773,618 Application Number INFORMATION DISCLOSURE Filing Date February 6, 2004 STATEMENT BY APPLICANT Thomas W. DUBENSKY, Jr. First Named Inventor (Use as many sheets as necessary) Examiner Name J. Graser Sheet 1 282172002800 of Attorney Docket Number

	U.S. PATENT DOCUMENTS						
Examiner	Cite	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where		
initials*	No.1	Number-Kind Code ² (if known)	MM-DD-YYYY Applicant of Glad Downwood	Relevant Passages or Relevant Figures Appear			

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Examiner Initials*	Cite	Foreign Patent Document	Publication	Name of Patentee or	Pages, Columns, Lines,			
	No.1	Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Date MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	₽		
	1.	WO 89/09616-A1	10-19-1989	Symbicom Aktiebolag				

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		NON PATENT LITERATURE DOCUMENTS	
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ALTERNATIVE TO PTO/SB/08a/b (06-03) Complete if Known Substitute for form 1449/PTO 10/773,618 Application Number INFORMATION DISCLOSURE Filing Date February 6, 2004 STATEMENT BY APPLICANT Thomas W. DUBENSKY, Jr. First Named Inventor Art Unit 1645 (Use as many she ets as necessary) J. Graser Examiner Name

Attorney Docket Number

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	1.	WO 89/09616-A1	10-19-1989	Symbicom Aktiebolag	†	

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